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004002-002954.DAC.294835

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

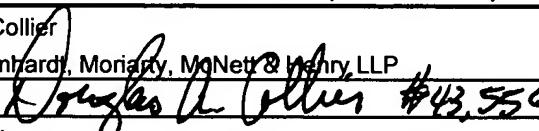
(to be used for all correspondence after initial filing)

		Application Number	10/085,872
		Filing Date	February 28, 2002
		First Named Inventor	Thomas A. Zdeblick
		Art Unit	3738
		Examiner Name	Thomas C. Barrett
Total Number of Pages in This Submission		Attorney Docket Number	4002-2954/PC393.06

### ENCLOSURES (Check all that apply)

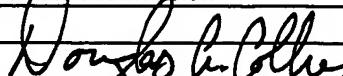
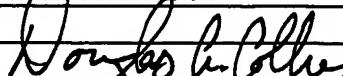
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text" value=" "/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Douglas A. Collier Woodard, Emhardt, Moriarty, McNett & Henry, LLP		
Signature			
Date	July 27, 2004		

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Douglas A. Collier		Date	July 27, 2004
Signature				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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O I P E  
JUL 30 2004  
U.S. PATENT & TRADEMARK OFFICE

004002-002954.DAC.294833  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$)-

## METHOD OF PAYMENT

Check  Credit card  Money  Other  None Order

### Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
<b>SUBTOTAL (1) (\$)</b>					

### 2. EXTRA CLAIM FEES

Total Claims	25	-26** =	0	Extra Claims	Fee From Below	Fee Paid
Independent Claims	3	-3** =	0	X	=	
Multiple Dependent				X	=	

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Code
1202	18	2202 9
		Claims in excess of 20
1201	86	2201 43
1203	290	2203 145
1204	86	2204 43
1205	18	2205 9
		**Reissue independent claims over original patent
		**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*or number previously paid, if greater. For Reissues, see above

## Complete if Known

Application Number	10/085,872
Filing Date	February 28, 2002
First Named Inventor	Thomas A. Zdeblick
Group Art Unit	3738

Examiner Name	Thomas C. Barrett
Attorney Docket Number	4002-2954/PC393.06

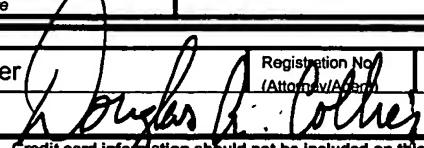
## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051 65	Surcharge – late filing fee or oath
1052	50	2052 25	Surcharge – late provisional filing fee or cover sheet.
1053	130	1053 130	Non-English specification
1812	2,520	1812 2,520	For filing a request for ex parte reexamination
1804	920*	1804 920*	Requesting publication of SIR prior to Examiner's Action
1805	1,840*	1805 1,840*	Requesting publication of SIR after Examiner's Action
1251	110	2251 55	Extension for reply within first month
1252	420	2252 210	Extension for reply within second month
1253	950	2253 475	Extension for reply within third month
1254	1,480	2254 740	Extension for reply within fourth month
1255	2,010	2255 1,005	Extension for reply within fifth month
1401	330	2401 165	Notice of Appeal
1402	330	2402 165	Filing a brief in support of an appeal
1403	290	2403 145	Request for oral hearing
1451	1,510	1451 1,510	Petition to institute a public use proceeding
1452	110	2452 55	Petition to revive – unavoidable
1453	1,330	2453 665	Petition to revive – unintentional
1501	1,330	2501 665	Utility issue fee (or reissue)
1502	480	2502 240	Design issue fee
1503	640	2503 320	Plant issue fee
1460	130	1460 130	Petitions to the Commissioner
1807	50	1807 50	Petitions related to provisional applications
1806	180	1806 180	Submission of Information Disclosure Stmt
8021	40	8021 40	Recording each patent assignment per property (times number of properties)
1809	770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801 385	Request for Continued Examination (RCE)
1802	900	1802 900	Request for expedited examination of a design application
Other Fee (specify)			
* Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b>			

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Douglas A. Collier	Registration No. (Attorney/Agent)	43,556	Telephone (317) 634-3456
Signature			Date	July 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.138(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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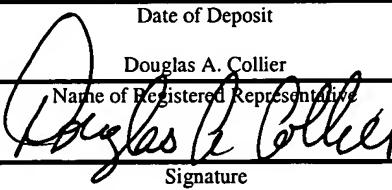
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before The Examiner  
Thomas A. Zdeblick, et al. ) Thomas C. Barrett  
Ser. No. 10/085,872 ) Art Unit 3738  
Filed February 28, 2002 ) Atty Docket No. 4002-2954/PC393.06  
ARTIFICIAL DISC IMPLANT ) July 27, 2004

### RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

In response to the Final Office Action mailed June 21, 2004 in the above-identified U. S. Patent Application, please enter the following. Please provide any extensions of time which may be necessary and charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450 on
July 27, 2004
Date of Deposit
Douglas A. Collier
Name of Registered Representative

Signature
July 27, 2004
Date of Signature